

(c) *Drug and alcohol testing errors.* (1) Within 30 days of completing an investigation of any testing errors or unsatisfactory performance discovered in performance testing at either a licensee testing facility or an HHS-certified laboratory, in the testing of quality control or actual specimens, or through the processing of reviews under § 26.39 and MRO reviews under § 26.185, as well as any other errors or matters that could adversely reflect on the integrity of the random selection or testing process, the licensee or other entity shall submit to the NRC a report of the incident and corrective actions taken or planned. If the error involves an HHS-certified laboratory, the NRC shall ensure that HHS is notified of the finding.

(2) If a false positive error occurs on a blind performance test sample submitted to an HHS-certified laboratory, the licensee or other entity shall notify the NRC within 24 hours after discovery of the error.

(3) If a false negative error occurs on a quality assurance check of validity screening tests, as required in § 26.137(b), the licensee or other entity shall notify the NRC within 24 hours after discovery of the error.

(d) *Indicators of programmatic weaknesses.* Licensees and other entities shall document, trend, and correct non-reportable indicators of FFD programmatic weaknesses under the licensee's or other entity's corrective action program, but may not track or trend drug and alcohol test results in a manner that would permit the identification of any individuals.

[73 FR 17176, Mar. 31, 2008, as amended at 75 FR 73942, Nov. 30, 2010]

Subpart O—Inspections, Violations, and Penalties

§ 26.821 Inspections.

(a) Each licensee and other entity who is subject to this part shall permit duly authorized NRC representatives to inspect, copy, or take away copies of its records and to inspect its premises, activities, and personnel as may be necessary to accomplish the purposes of this part.

(b) Written agreements between licensees or other entities and their C/Vs must clearly show that—

(1) The licensee or other entity is responsible to the NRC for maintaining an effective FFD program under this part; and

(2) Duly authorized NRC representatives may inspect, copy, or take away copies of any licensee's, other entity's, or C/V's documents, records, and reports related to implementation of the licensee's or other entity's FFD program under the scope of the contracted activities.

§ 26.823 Violations.

(a) An injunction or other court order may be obtained to prohibit a violation of any provision of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974; or

(3) Any regulation or order issued under these Acts.

(b) A court order may be obtained for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act of 1954, for violations of—

(1) Section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act;

(2) Section 206 of the Energy Reorganization Act of 1974;

(3) Any rule, regulation, or order issued under these sections;

(4) Any term, condition, or limitation of any license issued under these sections; or

(5) Any provisions for which a license may be revoked under section 186 of the Atomic Energy Act of 1954.

26.825 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For the purposes of section 223, all of the regulations in Part 26 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 26 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223

Nuclear Regulatory Commission

Pt. 30

are as follows: §§26.1, 26.3, 26.5, 26.7, 26.8, 26.9, 26.11, 26.51, 26.81, 26.121, 26.151, 26.181, 26.201, 26.823, and 26.825.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

GENERAL PROVISIONS

- Sec.
- 30.1 Scope.
- 30.2 Resolution of conflict.
- 30.3 Activities requiring license.
- 30.4 Definitions.
- 30.5 Interpretations.
- 30.6 Communications.
- 30.7 Employee protection.
- 30.8 Information collection requirements: OMB approval.
- 30.9 Completeness and accuracy of information.
- 30.10 Deliberate misconduct.

EXEMPTIONS

- 30.11 Specific exemptions.
- 30.12 Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts.
- 30.13 Carriers.
- 30.14 Exempt concentrations.
- 30.15 Certain items containing byproduct material.
- 30.18 Exempt quantities.
- 30.19 Self-luminous products containing tritium, krypton-85, or promethium-147.
- 30.20 Gas and aerosol detectors containing byproduct material.
- 30.21 Radioactive drug: Capsules containing carbon-14 urea for “in vivo” diagnostic use for humans.
- 30.22 Certain industrial devices.

LICENSES

- 30.31 Types of licenses.
- 30.32 Application for specific licenses.
- 30.33 General requirements for issuance of specific licenses.
- 30.34 Terms and conditions of licenses.
- 30.35 Financial assurance and recordkeeping for decommissioning.
- 30.36 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.
- 30.37 Application for renewal of licenses.
- 30.38 Application for amendment of licenses and registration certificates.
- 30.39 Commission action on applications to renew or amend.
- 30.41 Transfer of byproduct material.

RECORDS, INSPECTIONS, TESTS, AND REPORTS

- 30.50 Reporting requirements.

- 30.51 Records.
- 30.52 Inspections.
- 30.53 Tests.
- 30.55 Tritium reports.

ENFORCEMENT

- 30.61 Modification and revocation of licenses and registration certificates.
- 30.62 Right to cause the withholding or recall of byproduct material.
- 30.63 Violations.
- 30.64 Criminal penalties.

SCHEDULES

- 30.70 Schedule A—Exempt concentrations.
- 30.71 Schedule B.
- 30.72 Schedule C—Quantities of radioactive materials requiring consideration of the need for an emergency plan for responding to a release.

APPENDIX A TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND PARENT COMPANY GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING

APPENDIX B TO PART 30—QUANTITIES OF LICENCED MATERIAL REQUIRING LABELING

APPENDIX C TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING

APPENDIX D TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY COMMERCIAL COMPANIES THAT HAVE NO OUTSTANDING RATED BONDS

APPENDIX E TO PART 30—CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY NONPROFIT COLLEGES, UNIVERSITIES, AND HOSPITALS

AUTHORITY: Atomic Energy Act secs. 81, 82, 161, 181, 182, 183, 186, 223, 234 (42 U.S.C. 2111, 2112, 2201, 2231, 2232, 2233, 2236, 2273, 2282); Energy Reorganization Act secs. 201, 202, 206 (42 U.S.C. 5841, 5842, 5846); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109-58, 119 Stat. 549 (2005).

Section 30.7 also issued under Energy Reorganization Act sec. 211, Pub. L. 95-601, sec. 10, as amended by Pub. L. 102-486, sec. 2902 (42 U.S.C. 5851). Section 30.34(b) also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234). Section 30.61 also issued under Atomic Energy Act sec. 187 (42 U.S.C. 2237).